



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : SPRUNCK, et al.  
Serial No. : 09/899,718  
For : PROMOTERS FOR GENE EXPRESSION IN CARYOPSES  
OF PLANTS  
Filed : July 5, 2001  
Examiner : D. Sullivan  
Art Unit : 1636

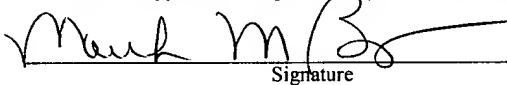
745 Fifth Avenue, New York, NY 10151

**EXPEDITED PROCEDURE**  
**RESPONSE AFTER FINAL ACTION**  
**UNDER 37 C.F.R. 1.116**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop AF P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

  
\_\_\_\_\_  
Signature

June 21, 2004

\_\_\_\_\_  
Date of Signature

**NOTICE OF APPEAL**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the final Office Action dated December 29, 2003, rejecting claims 1 and 3-16. A check in the amount of \$330.00 is enclosed in payment of the appeal fee required by 35 U.S.C. §41(a)(6) and 37 C.F.R. §1.17(e). Please charge any additional payment or credit any overpayment to Deposit Account No. 50-0320.

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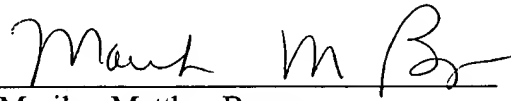
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330.00 OP

This Notice is being filed in triplicate, together with a Petition for a three-month extension of time, and a Rule 116 Amendment.

Respectfully submitted,

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